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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

TASH HEPTING, GREGORY HICKS, CAROLYN JEWEL and ERIK KNUTZEN, on Behalf of Themselves and All Others Similarly Situated,	No. C-06-00672-VRW
Plaintiffs,	CLASS ACTION
vs.	DECLARATION OF LEE TIEN IN SUPPORT OF ADMINISTRATIVE MOTIONS TO EXTEND PAGE LIMIT FOR MOTION FOR PRELIMINARY INJUNCTION AND TO LODGE DOCUMENTS WITH THE COURT (CIVIL LOCAL RULES 7-11, 79-5)
AT&T CORP., et al.	
Defendants.	

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I, Lee Tien, hereby declare:

1. I am an attorney of record for Plaintiffs in this action and a member of good standing of the California State Bar, and am admitted to practice before this Court. I have personal knowledge of the matters stated in this declaration. If called upon to do so, I am competent to testify to all matters set forth herein.

2. On Friday, March 31, 2006, Plaintiffs have their Motion for Preliminary Injunction without filing the Memorandum of Points and Authorities in Support of the Motion and two other supporting declarations and exhibits.

3. Plaintiffs' motion was filed without the supporting papers referenced above because on Thursday, March 30, 2006, the U.S. Government, which is not a party to this action, expressed concern that some of the documents might contain classified information and that lodging the documents with the Court under the procedures of Civil Local Rule 79-5(d) would be inadequate to protect their security. Declaration of Lee Tien, ¶¶11-12 (Dkt. 22) (Mar. 31, 2006) ("Tien Decl.").

4. At the Government's request, Plaintiffs provided the Government with copies of three AT&T documents for the Government's review. *Id.* ¶¶13-14.

5. The Government does not object to Plaintiffs' filing the three AT&T documents with the Court under seal. Ex. A (Letter of Mr. Anthony Coppolino, Special Litigation Counsel, U.S. Department of Justice).

6. Defendants object to the filing of the AT&T documents under seal pursuant to Civil Local Rule 79-5(d), without prior leave of court. Ex. B (Letter of Mr. Bruce Ericson).

7. Plaintiffs have responded to AT&T and asserted that they believe that the court's sealing processes are sufficient to protect AT&T's interests. Ex. C (Letter of Ms. Cindy Cohn).

8. Accordingly, Plaintiffs have been unable to agree to a stipulation with Defendants on the treatment of the AT&T documents.

9. Despite the requirements of Civil Local Rule 79-5(d), Plaintiffs are not lodging redacted versions of any of the sealed documents being lodged with the Court in view of the unusual circumstances surrounding Plaintiffs' filing, including the Government's actions with respect to the AT&T documents.

10. On Thursday, March 30, 2006, Plaintiffs also discussed a stipulation with Defendants to extend the page limit to 35 pages for the Plaintiffs' Memorandum of Points and Authorities in support of their Motion for Preliminary Injunction, offering to reciprocate by extending Defendants' page limit for their Opposition to Plaintiffs' motion.

11. Defendants indicated that they did not object to such stipulation in principle, and did not refuse to extend the page limit, but they also did not formally stipulate to such extension.

12. Defendants proposed a broader stipulation that included agreement for a 35 page brief, was unacceptable to Plaintiffs in other portions. There have been no further discussions between the parties on this matter.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this 5th day of April, 2006, at San Francisco, California.

/s/ LEE TIEN
LEE TIEN

I, Reed R. Kathrein, am the ECF User whose ID and password are being used to file this DECLARATION OF LEE TIEN IN SUPPORT OF ADMINISTRATIVE MOTIONS TO EXTEND PAGE LIMIT FOR MOTION FOR PRELIMINARY INJUNCTION AND TO LODGE DOCUMENTS WITH THE COURT (CIVIL LOCAL RULES 7-11, 79-5). In compliance with General Order 45, X.B., I hereby attest that Lee Tien has concurred in this filing.

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